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15 Attorneys for Defendant  
16 Eddie Bauer, Inc.

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA  
13

14 KRISTAL D. SCHERER, an  
15 individual, on behalf of herself  
16 individually, all others similarly  
17 situated, and on behalf of the general  
18 public,

19 Plaintiffs,

20 v.

21 EDDIE BAUER, INC., a Delaware  
22 corporation, and DOES 1 through 100,  
23 inclusive,

24 Defendants.

Case No. 07-CV-2270-JM-AJB

[Assigned to the Honorable Jeffrey T.  
Miller]

**DECLARATION OF KALIA C.  
PETMECKY IN SUPPORT OF  
DEFENDANT EDDIE BAUER,  
INC.'S PARTIAL MOTION TO  
DISMISS PLAINTIFFS' SECOND  
AMENDED COMPLAINT  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 12(b)(6)**

[Eddie Bauer Inc's Notice of Motion  
and Partial Motion To Dismiss Filed  
Concurrently Herewith]

Date: March 14, 2008  
Time: 1:30 p.m.  
Courtroom: 16

Date Action Filed: Sept. 20, 2007  
Date Action Removed: Dec. 3, 2007

**DECLARATION OF KALIA C. PETMECKY**

I, Kalia C. Petmecky, certify and declare as follows:

1. I am an attorney at law duly licensed to practice in all of the Courts of the State of California. I am Counsel at the law firm of Akin Gump Strauss Hauer & Feld LLP, counsel of record for defendant Eddie Bauer, Inc. I have personal knowledge of the facts herein stated, and if called and sworn as a witness, I would and could testify competently thereto under oath.

2. For the Court's convenience, attached hereto as Exhibit "A" is a true and correct copy of relevant excerpts of Eddie Bauer's Team Incentive Plan and Management Incentive Plan, which was attached as Exhibit "B" to the declaration of Diane Kovacs in support of Eddie Bauer's Notice of Removal previously filed on December 3, 2007.

3. For the Court's convenience, attached hereto as Exhibit "B" is a true and correct copy of relevant excerpts of Eddie Bauer's Policy on Vacations and Holidays.

4. For the Court's convenience, attached hereto as Exhibit "C" is a true and correct copy of relevant excerpts of Eddie Bauer's Standard Operating Procedures on Associate Classifications and Salary Administration.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 11<sup>th</sup> day of February 2008, in Los Angeles, California.

Dated: February 11, 2008

s/Kalia C. Petmecky  
Attorney for Defendants  
E-mail: kpetmecky@akingump.com